

MEMORANDUM FOR THE FILES

From: S. Klaus

Subject: JIOA Meeting--June 6, 1946.

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DEPARTMENT OF STATE
REVIEWED BY *[Signature]* June 6, 1946. 3/18/81
RDS [] or XDS [] EXT. DATE
TS AUTH. *[Signature]* REASON(S)
ENDORSE EXISTING MARK *[Signature]*
RELEASABLE *[X]*
RELEASE DENIED *[X]*
PA or FOI EXEMPTIONS

On Thursday, June 6, 1946, at 11 A.M., Colonel Hazel and Captain Bannerman (?), his Assistant, called on me pursuant to arrangements made on Tuesday at the JIOA meeting. Colonel Hazel stated that he found it difficult to get in touch with his opposite number in the Navy Department, Captain McGill(?), and that the two Army men had therefore come alone.

In the conversation, Colonel Hazel said that he had, at the meeting of the day before (Flinn's office, at which Bradford, Knight, Brewster and I were present), learned a great deal about the problem; that he had come to the conclusion that the State Department must have a great deal of information as to the activities of German scientists in the past; and that he had also come to the conclusion that it was improbable that the State Department would let in more than a trickle of German scientists as immigrants. He said that he himself expected to leave the Army very soon and didn't want to get involved in elaborate negotiations and other work on the immigration premise under these circumstances. He first said that he understood the State Department's position to be that we laid greater emphasis on the danger of a German comeback than on the Russian threat. I told him that he was wrong; that we had in mind both problems--the German and the Russian--and that we desired a solution that would take care of both of them. I went over the experience we had during the days before we entered the war with evidence of German infiltration, rearmament after the last war, etc., as well as our international commitments. Hazel and his Assistant expressed concurrence.

We then discussed the legal problems involved in contractual provisions. Colonel Hazel expressed considerable doubt. He said that the Secretary of War had indicated that he didn't want to put any unfair provisions into these contracts with the Germans, and that we should not make it appear that we had taken advantage of them. Doubt was also expressed as to the legal efficacy of any provisions. I said that in my own mind I was not insisting on a bill of lading type of contract, but, on the other hand, since the point at issue really was one of public policy, I thought the courts would be inclined to support us but that it clearly appeared in any litigation that the public policy was on our side; I said furthermore that I was not wedded to a particular type of contractual agreement--it might be desirable simply to have a warning or regulations, etc., and that in any event I would have the policy brought

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strictly and squarely to the Germans when they signed. In response to a question by the Captain, I said that I could see no objection to telling the Germans clearly just what we had in mind, and why. My purpose was to give us a basis in the future for such legal action as might seem appropriate or for such action as denying a passport or a visa or diplomatic protection, etc.

The two left saying they understood my position and would go to work. I pointed out that under the JCS directive the sponsoring agency was supposed to submit with each applicant a copy of the terms of the contract or other arrangements for employment and that my remarks were to be construed as being made in connection with that provision.

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